

No. 9(1)81-8Lab/10046.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of M/s. Amarpali Structures Pvt. Ltd., 14/7, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER,  
LABOUR COURT, HARYANA, FARIDABAD

Reference No. 90 of 1981

between

SHRI RANJIT SINGH, WORKMAN AND THE RESPONDENT  
MANAGEMENT OF M/S AMARPALI STRUCTURELS PRIVATE LIMITED,  
14/7, MATHURA ROAD, FARIDABAD

Present.—

Shri Yoginder Singh, for the workman.

None, for the respondent management.

#### AWARD

This reference No. 90 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana, — *vide* his order No. ID/FD/217-80/8464, dated 16th February, 1981 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ranjit Singh, workman and respondent management of M/s Amarpali Structures Private Limited, 14/7, Mathura Road, Faridabad. The term of the reference was—

Whether the termination of services of Shri Ranjit Singh was justified and in order ? If not, to what relief is he entitled ?

After this reference, notices were sent to the both parties which were effected for 3rd April, 1981 for written statement. On the date of hearing none was present on behalf of the management side. It was 1.30 p.m. and my learned predecessor proceeded *ex parte* against the management and the case was fixed for the *ex parte* evidence of workman for 8th April, 1981.

On 8th April, 1981, the *ex parte* evidence of the workman was recorded who stated in his statement that he was working with the respondent management from 3rd September, 1979 as fitter at the salary of Rs. 320 per month. He further stated that on 4th December, 1980 he had gone to the respondent factory for his duty but the respondent management had refused to take him on duty. He further stated that it is illegal to stop him from the work suddenly. He stated that no termination letter was given to him at the time of termination and he had not given any appointment letter at the time of recruitment. He further stated that he is still unemployed and he has tried to get the job but he has not got it anywhere. He further stated that he wants to work. He requested this court that he may be reinstated with full back wages and with continuity of services. He has filed Ex. W-1 and Ex. W-2 which are the attendance cards. The representative of the workman closed his case and the case was reserved for award. A notice was sent to the party for further *ex parte* argument. Argument heard and the case was reserved for award.

Keeping in view, the circumstances of the case I see no reason why the un rebutted statement of the workman given on oath should not be relied upon especially when the

management chose not to appear and defend the reference before this Court. So I relying upon the un rebutted statement of the workman Shri Ranjit Singh as WW-1. I hold the termination of the service of Shri Ranjit Singh was unjustified and was also not in order. He is entitled to be reinstated with full back wages. I answer the reference while returning the award in these terms.

Dated the 21st August, 1981.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana, Faridabad.

Endorsement No. 2600, dated 27th August, 1981.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana, Faridabad.

**No. 9(1)81-8 Lab/10047.**—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. S.J. Knitting and Finishing Mills, 13/1 Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER,  
LABOUR COURT, HARYANA, FARIDABAD

Reference No. 106 of 1981

• *between*

SHRI CHANDER BALI, WORKMAN AND THE RESPONDENT MANAGEMENT  
OF M/S S.J. KNITTING AND FINISHING MILLS, 13/1, MATHURA ROAD,  
FARIDABAD

None, for the workman.

Sri B. R. Gover, for respondent management.

#### AWARD

This reference No. 106 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/22/81/10061 dated 3rd March, 1981 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing

between Shri Chander Bali, workman and the respondent management of M/s S.J. Knitting and Finishing Mills, 13/1, Mathura Road, Faridabad. The term of the reference was—

Whether the termination of service of Shri Chander Bali was justified and in order? If not, to what relief is he entitled?

After this reference, the notices were sent to the both parties. Parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed:—

(i) Whether the termination of services of the workman is proper, justified and in order? If not, to what relief is he entitled? (O.P.M.)

(ii) Relief?

After framing the issues, the case was fixed for the evidence of the parties for 12th June, 1981. But on 12th June, 1981 none was present from the workman side. It was 1.10 P.M. The case was called thrice. I proceeded *ex parte* against the workman and the case was fixed for the *ex parte* evidence of the management for 14th July, 1981. On 14th July, 1981, the *ex parte* evidence of the management was not present and the representative of the management requested for adjournment which was granted for 28th July, 1981 and representative of the management again requested for adjournment on 28th July, 1981 which was granted for 14th August, 1981 for the *ex parte* evidence of the management.

On 14th August, 1981 the evidence of the management was recorded. Shri Ram Nath Sharda appeared before this Court as witness as MW=1 who stated in his statement that we had appointed the workman,—*vide* appointment letter Ex. M-2 on his application letter Exhibit M=1. He further stated that we employed him as helper at the salary of Rs 240 per month on the temporary basis. He further stated that his period for this appointment was three months and we terminated the services of the workman according to the provision of the appointment letter which we can do. He further stated that there is no dispute remained with us. The representative of the management close his case and was reserved forward.

In view of the un rebutted *ex parte* evidence produced by the management, I am left with no choice except to believe the version of the management. Over and above this, my finding gets support from the absenting of the workman in the proceedings in this Court in this reference. I feel that the respondent management had terminated his services rightly and no claim is made out of the workman against the management. I give my award accordingly: No order as to costs. This may be read in answer of this reference.

HARI SINGH KAUSHIK,

Dated 21st August, 1981.

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endorsement No. 2601, dated 27th August, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,  
Labour Court, Haryana,  
Faridabad.